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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,612	01/09/2002	Matthew I. Egbe	5669	7021

7590

02/24/2003

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EXAMINER

CARRILLO, BIBI SHARIDAN

ART UNIT

PAPER NUMBER

1746

DATE MAILED: 02/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/042,612

Applicant(s)

EGBE ET AL.

Examiner

Sharidan Carrillo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 8-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-12 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-7, drawn to a composition, classified in class 510, subclass 175.

II. Claims 8-12, drawn to a method, classified in class 134, subclass 3.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case, the product as claimed can be used in a materially different process such as its use in a liquid laundry detergent composition.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

3. During a telephone conversation with Mr. Martin Connaughton on 2/14/03 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-7. Affirmation of this election must be made by applicant in replying to this Office action. Claims 8-12 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by McGrady (4321166).

In reference to claims 1-2, McGrady teaches a liquid detergent composition comprising a) an alkanolamine (i.e. monoethanolamine, col. 8, lines 29-30, col. 9, example 1), b) linear alkyl benzene sulfonate having C10-C18 atoms, col. 5, lines 62-65, col. 6, lines 9-10; c) water (col. 9, example 1) and d) a corrosion inhibitor (col. 8, lines 5-10). In reference to claim 3, refer to Example 1, col. 9. In reference to claim 4, McGrady teaches linear alkyl benzene sulfonates having C10-C18, which reads on a dodecyl benzene sulfonic acid. In reference to claim 5, refer to col. 8, lines 3-5.

6. Claims 1-3, and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Torii et al. (5972862).

Torii teach a cleaning composition for removing resist pattern. In reference to claim 1,

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Torii teaches an organic solvent (col. 4, lines 65-68, col. 5, lines 1-7), b) alkyl benzene sulfonic acid salt (col. 8, lines 1-2), c) water (col. 12, lines 15-18). In reference to claims 2 and 5, Torii et al. teach malonic acid. The intended use of malonic acid is of no patentable moment. In reference to claim 3, refer to col. 4, lines 65-68, and col. 5, lines 1-5. In reference to claim 6, Torii teaches 1-80% organic acid, 1% of the sulfonic acid salt, and 46% water (col. 12, lines 15-17). In reference to claim 7, Torii teaches 0.01-5% malonic acid (col. 18, lines 20-21).

7. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Mayhan (5534177).

In reference to claims 1, 3-4, Mayhan teach a composition comprising a) an organic solvent (DMSO, col. 7, table 1), b) sulfonic acid (p-toluene sulfonic acid, table 1), and water (table 1). In reference to claims 2 and 5, refer to col. 3, lines 38-40.

8. Claims 1-4 and 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Jones (4199483).

In reference to claim 1, Jones teaches a detergent composition comprising a) an organic solvent (monoethanolamine, col. 6, lines 35-40), b) a salt of an alkylbenzene sulfonic acid, and c) water (col. 7, lines 40-45). In reference to claim 2, refer to col. 6, lines 1-55. In reference to claim 3, refer to col. 6, lines 37-39. In reference to claim 4, Jones teaches an alkylbenzene sulfonic acid where the alkyl group contains C9-C15 carbon atoms, which reads on dodecylbenzenesulfonic acid. In reference to claim 6, Jones et al. teach 20-75% of the anionic surfactant (monoethanolamine) and 1-75% water. In reference to claim 7, refer to col. 6, lines 50-53.

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9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

10. Claims 1, 3-4 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Inoue et al. (6232283B1).

In reference to claims 1 and 3, Inoue et al. teach a liquid detergent composition comprising a) an organic solvent (monoethanolamine, col. 3, lines 60-65), b) straight-chain alkyl benzene sulfonic acid with C8-C22 carbon atoms, col. 2, lines 40-45 and water, col. 1, lines 60-62. In reference to claim 4, an alkyl benzene sulfonic acid with C8-C22 carbon atoms reads on the dodecylbenzenesulfonic acid. In reference to claim 6, Inoue et al. teach 30% of the monoethanolamine (col. 10, lines 60-65, 1-30% of the sulfonic acid (col. 1, line 57), and at least 40% water (col. 10, lines 63-65).

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Vander Mey and Ishikawa et al. teach a stripping composition for photoresist. Schwartzkopf teaches an alkaline stripping composition. Borchert et al. teach an anti-tarnish composition.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharidan Carrillo whose telephone number is 703-308-1876. The examiner can normally be reached on Monday-Friday, 6:00a.m-2:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on 703-308-4333. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7719 for regular communications and 703-305-7719 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Sharidan Carrillo
Primary Examiner
Art Unit 1746

bsc
February 20, 2003



**SHARIDAN CARRILLO
PRIMARY EXAMINER**